

KATHLEEN VIGIL
COURT EXECUTIVE OFFICER III

State of New Mexico
First Judicial District Court
LOS ALAMOS COUNTY
RIO ARriba COUNTY
SANTA FE COUNTY

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November 26, 2019

Via email: 82895-71535069@requests.muckrock.com
Lucy Parsons Labs
MuckRock News DEPT MR 82895
411A Highland Avenue
Somerville, Massachusetts 02144

Re: Inspection of Public Records Act Request 2019-11-20-Parsons Labs

Dear Ms. Parsons Labs,

We have received your public records request forwarded by the State of New Mexico Administrative Office of the Courts and received by First Judicial District Court Administration on November 21, 2019 requesting that the court provide:

"For all search warrants, applications for search warrants, cancellations, and authorization for search warrants between 2012 to the date of processing this request, please provide the following points of record for each:

Full Name of requester

If arrest, arrest ID (eg some cities/states use, "Incident Report")

Reason(s) for search warrant (typically either hand-written, or checkboxes)

Badge ID (or similar) of requester

District/Unit

Name of Judge

Name of approving officer

Whether an Arrest happened

Requested location of search warrant

Location of search warrant execution

Type of search warrant

Statements used to justify search warrant

Time and date when search warrant was submitted for approval

Time and date when search warrant was executed

Whether anything was seized

Whether anything was found

License plate of vehicle (if relevant)

Race of person fr search warrant
Age of person for search warrant
State of person for search warrant
Whether an informant was involved
Method of contact with informant leading to search warrant (eg, phone call, mail, fax, email, etc)
Description of person search warrant executed on
Legal code of violation
Description of violation
Date of violation
If search warrant related to debt: name of company debt is owed to, amount owed
Whether FBI involved
ID associated with FBI document (eg, IR #)
Whether search warrant was cancelled
Whether contraband found
Whether narcotics found

The records responsive to this request are likely available in a database, or in some query-able format. If your department or agency does not have direct access to the records, please raise to the respective department that can run queries directly (e.g., through SQL).

Should your agency not have all of the requested records within a single record or document, please provide me the relevant documents that do, even if that requires more than one class of document. Should some of the records be unavailable, please let me know ahead of time so that we can narrow the request accordingly.

As the records responsive to this request are imperative for understanding how search warrants are executed, I ask that the public interest of these records be evaluated to the extent that the public's interest outweighs this request's burden. To add, this request is being sent to the largest city of every state and will be collated together to create a comprehensive map of search warrants throughout the US. As such, the records are not only important for understanding search warrants at a local level, but also at a national and state-wide level.

Please ensure that provided documents comply with Section 508, as these records will be shared with members of the public who are covered under the ADA. This guide should be helpful: <https://www.hhs.gov/web/section-508/making-files-accessible/checklist/pdf/index.html>

If this request was sent to the wrong department or agency, please let me know so that I can send to the correct place.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 15 business days, as the statute requires."


It is the policy of the First Judicial District Court to be fully responsive to all requests for public records available under the Inspection of Public Records act, NMSA 1978, § 14-2-1 et seq. ("IPRA"). The Inspection of Public Records Act provides the public with the right to access government records. IPRA requires government agencies to allow the inspection of existing records. Your request is not for a record. Instead, your request is for bulk data relating to warrants. The New Mexico IPRA does not impose a duty for state agencies to create records that do not already exist.

The First Judicial District Court utilizes the Odyssey electronic case management system for docketing and case management purposes. The case management system is not used to capture and report the specific and discrete data you requested regarding search warrants. The Court does not maintain or run any reports that would routinely gather and produce the data you requested. The provisions of IPRA do not require a governmental body to create documents, lists, spreadsheets, statistics or other reports in order to respond to a records request. See NMSA 1978, § 14-2-8(B) (Nothing in the Inspection of public Records Act shall be construed to require a public body to create a public record.) There are no records or reports available that contain a compilation of the information you have requested, i.e., age of every person subject to a search warrant since 2012. The information you have requested are data points that must be manually gathered out of hundreds of thousands of pages of records, and compiled into reports that currently do not exist. As noted above, IPRA does not require an agency to create a report that does not exist.

Furthermore, the First Judicial District Court does not have custody or control of arrest records or data. See Rule 5-211 NMRA, Search Warrants (Search warrants may only be executed by "a full-time salaried state or county law enforcement officer, a municipal police officer, a campus security officer, an Indian tribal or pueblo law enforcement officer, or a civil officer of the united States authorized to enforce or assist in enforcing any federal law."). Public records requests seeking law enforcement records, statistics and reports should be requested through the law enforcement agency that handled the criminal investigation. To expedite your request, it is advisable for you to write an additional letter requesting the records to the proper law enforcement agency that conducted the criminal investigation.

Your inspection of public records request is now considered to be closed.

Sincerely,



Kathleen Vigil, CEO
First Judicial District Court